

**IN THE HIGH COURT OF JUDICATURE AT
BILASPUR (C.G.)**

M.A. NO. 131 /2005

APPELLANT

P. Chini

Saligram, S/o. Bahalram Sahu
Aged about 38 years
R/o. Ramnagar Shamsam Ghat,
Ravanbhata, Near Dewangan Pan
Centre Supela, Bhilai, P.S. Supela
Bhilai, Tahsil and District Durg
(C.G.)

RESPONDENT

Non Res

VERSUS

Smt. Shakuntala
W/o. Saligram Sahu
Aged about 34 years
R/o. Karsa, P.S. Bhilai-3
Tahsil Bhilai-3, District Durg
(C.G.)

APPEAL UNDER SECTION 28 OF HINDU MARRIAGE ACT

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Before: Hon'ble Shri Justice Dilip Raosaheb Deshmukh

First Appeal No.131 /2005

Saligram

Vs.

Smt. Shakuntala

Post for Orders: 19 -01-2007

**Sd/-
Dilip Raosaheb Deshmukh
Judge**



HIGH COURT OF CHHATTISGARH AT BILASPUR

Before: Hon'ble Shri Justice Dilip Raosaheb Deshmukh

First Appeal No.131 /2005

Saligram

Vs.

Smt. Shakuntala

Shri R. Pradhan, Counsel for the appellant.

Shri N.S. Dhurandhar, Counsel for respondent.

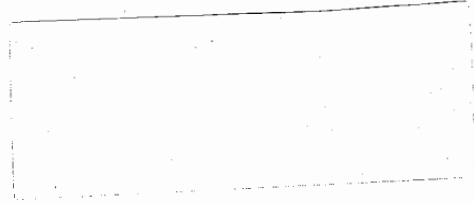
JUDGMENT

(Delivered on this 19th day of January, 2007)

Vide order dated 07-03-1992 under Section 10 of Hindu Marriage Act, the 4th Additional District Judge, Durg in Civil Suit No.8-A/90 granted a decree for judicial separation between the two spouses and had further ordered that the appellant-husband herein shall pay a sum of Rs.200/- as permanent alimony to the respondent-wife.

(2) On 18-01-2003 the respondent-wife moved an application before the 5th Additional District Judge, Durg under Section 25 of Hindu Marriage Act for award of permanent alimony @ Rs.3000/- per month under changed circumstances. The appellant-husband resisted the application and prayed that in the changed circumstances the permanent alimony of Rs.200/- awarded earlier to the respondent-wife should also be set aside.

(3) The respondent-wife did not lead any documentary evidence in support of her contention that the appellant-husband possessed agriculture lands and derived income therefrom. In her testimony, she stated that she had never visited the place where the agriculture lands were situated. It also emerged from the evidence led by the parties



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that the appellant-husband had lost his job in the Cooperative Society and thus did not derive any income as salary. The appellant-husband also did not lead any evidence to show that the respondent-wife possessed agriculture lands and derived income from the job of 'Aangan Badi Worker'.

(4) The learned 7th Additional District Judge, Durg while passing the impugned order dated 11-03-2005 held that both the appellant-husband as well as the respondent-wife had failed to establish the alleged change in the circumstances after the award of permanent alimony of Rs.200/- per month on 07-03-1992 in Civil Suit No. 8-A/90. However, it took into consideration the fact that there was a tremendous increase in the cost of living and therefore deemed it fit that the permanent alimony awarded @ Rs.200/- per month in the year 1992 be atleast enhanced @ Rs.1000/- per month in order to be meaningful. Taking a pragmatic view of the matter, I am of the considered opinion that the impugned order does not suffer from any illegality. This Court can take judicial notice of the tremendous rise in the cost of living in the last two decades. This change in circumstance requires no proof. In this view of the matter, the enhancement of permanent alimony from Rs.200/- per month awarded in the year 1992 to Rs.1000/- per month vide order dated 11-03-2005 cannot be said to be unjust or unreasonable in view of the tremendous rise in the cost of living and also in order to be meaningful.

(5) In the result, there is no substance in this appeal which is accordingly dismissed at the stage of admission. No order as to costs.

Sd/-
Dilip Raosaheb Deshmukh
Judge